## REMARKS

Reconsideration and allowance are respectfully requested. Claim 11 has been amended. Claim 1- 16 are pending.

Claims 1-6, 8-9, and 11-15 stand rejected under 35 U.S.C. 102(e) as being anticipated by Deb (US 6,172,990). This rejection is respectfully traversed.

Applicants maintain that Deb neither discloses or suggests simultaneously comparing min terms to the selected byte immediately upon receipt of the selected byte by the network switch port, and generating a frame tag based on a comparison result as soon as a last bit of the data packet is received at the network switch port.

As described in the specification at page 7, min terms are arranged within the associated templates in a prescribed order that corresponds to the relative position of a data byte in the incoming data stream to enable simultaneous comparisons between the incoming data stream and the min terms. Further, page 7, lines 10-23 describe that each min term is configured to identify whether a selected byte of the data frame matches a prescribed value. Applicants attach as an Appendix, a description of Gate Logic and direct the Examiner to page 6 thereof, where min terms are defined in the art. Min terms utilize simple AND/OR logic that facilitates the claimed simultaneous comparisons. Hence, the Examiner's interpretation of "min term" cannot be so unreasonably broad as to be inconsistent with the specification or the interpretation applied in the art.

Deb simply does not teach or suggest the use of min terms for simultaneous comparisons of an incoming data stream. Deb employs a complex executable microcode defining a type of data structure to

be built from the received packet data. Applicants maintain that the micro-RISC stream processor 114 must perform <u>sequential</u> execution of instructions, and cannot <u>simultaneously</u> compare the selected byte to the min terms that correspond to the selected byte <u>immediately upon receipt of the selected byte by the network switch port</u>. Rather, Deb relies on pipeline buffering to provide <u>sequential</u> execution of microcode instructions (see column 4, lines 33-48 of Deb) by an expensive processor in the MAC layer core.

Furthermore, with regard to claim 1, the Examiner contends that Deb generates a comparison result based on the comparisons of the min terms to the <u>data bytes</u> of the <u>entire packet</u> received by the network switch port. However, in Deb, a user creates a data structure having a pointer to a <u>selected 32 bit word</u> of the incoming data packet. The analyzing computer 337 examines the <u>selected word</u> and the results of the comparisons are passed to the next address logic. Then, another <u>word of interest</u> is analyzed. (See Deb, column 14, line 24 to column 15, line 31). A 32 bit word is not a byte. Thus, in Deb, there is no comparison result generated based on the comparisons of the min terms to the data <u>bytes of the entire packet</u> received by the network switch port as defined in claim 1.

In fact, Deb teaches away from comparing the data of the entire packet as the packet is received. At column 3, lines 23-40, Deb describes the undesirable prior art of scanning through "<u>each and every bit of data in the order received to locate the byte location of the headers and data that may be of interest to the upper layer protocols</u>" which increases the demands on the host CPU. Deb avoids this by identifying a selected word of the incoming data packet based on contents of an instruction set and appending a data structure to the packet before it is sent to the upper layer so that when the upper layer receives the packet, all information of interest has been filtered out and appended to the packet (see Deb, column 4, lines 49-

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60). Furthermore, as shown in step 410 of FIG. 4a of Deb, it is determined if there are any more positions

of interest in the packet and step 412 skips to the new position in the received packet. Thus, it is clear that

each received byte is not being compared in Deb.

Hence, the rejection of claim 1 should be withdrawn because it fails to demonstrate that Deb

discloses each and every element of the claim. See MPEP 2131. "The identical invention must be shown

in as complete detail as is contained in the ... claim." Richardson v. Suzuki Motor Co., 868 F.2d 1226,

1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). "Anticipation cannot be predicated on teachings in the

reference which are vague or based on conjecture." Studiengesellschaft Kohle mbH v. Dart Industries,

Inc., 549 F. Supp. 716, 216 USPQ 381 (D. Del. 1982), aff'd., 726 F.2d 724, 220 USPQ 841 (Fed. Cir.

1984).

With regard to claim 11, this claim has been amended to recite a min term generator configured

for simultaneously comparing each byte of the incoming data packet, immediately upon receipt of the

corresponding incoming data byte, with the min terms that correspond to the corresponding received byte

and generating respective min term comparison results. Deb does not disclose a min term generator

configured for simultaneously comparing each byte of the incoming data packet as claimed. As noted

above with regard to claim 1, since no comparison is performed on each byte of the incoming data packet

of Deb, Deb does not disclose a min term generator configured for comparing each incoming byte.

Therefore, the rejection of claim 11 and the claims that depend therefrom should be withdrawn.

Claims 7 and 16 stand rejected under 35. U.S. C. 103(a) as being unpatentable over Deb in view

of Connery (US 6,570,884) and claim 10 stands rejected as being unpatentable over Deb in view of

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Bellenger (US 5,802,054). These claims depend from the independent claims 1 and 11 and are considered

to be allowable for the reasons advanced above with regard to claims 1 and 11 and for the additional

reasons that the added subject matter thereof is neither taught nor suggested by the prior art of record.

In view of the above, it is believed this application is and condition for allowance, and such a Notice

is respectfully solicited.

To the extent necessary, Applicant petitions for an extension of time under 37 C.F.R. 1.136.

Please charge any shortage in fees due in connection with the filing of this paper, including any missing or

insufficient fees under 37 C.F.R. 1.17(a), to Deposit Account No. 50-0687, under Order No. 95-319,

and please credit any excess fees to such deposit account.

Respectfully submitted,

Edward J. Stemberger
Registration No. 36,017
(202)261-1014

Customer No. 20736

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